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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KOBRA INTERNATIONAL, LTD. d/b/a
NICOLE MILLER, LTD., a New York
Corporation,

Plaintiff,

- against -

BOSTON PROPER, INC., a Florida
Corporation; RICHIE TAILOR, INC., a New
York Corporation; JOHN DOES 1-15; and
XYZ CORPORATIONS 2-15,

Defendants.
-----X

ECF CASE

CIVIL ACTION NO. 07-CV-9894 (VM)

**STIPULATION OF SETTLEMENT AND
ORDER OF DISMISSAL**

WHEREAS, on or about November 2007, plaintiff Kobra International, Ltd. d/b/a Nicole Miller Ltd. ("Plaintiff") filed Civil Action No. 07 CV 9894 (VM) in the United States District Court of the Southern District of New York (the "Action") against Defendants Boston Proper, Inc. ("Boston Proper"), John Does 1-15 and XYZ Corporations 1-15 alleging (a) copyright infringement in violation of the Copyright Law, 17 U.S.C. §§501, *et. seq.*; (b) unfair competition and false designation of origin in violation of 15 U.S.C. §1125(a); (c) unlawful and deceptive acts and practices in violation of N.Y. Gen. Bus. Law §349; and (d) unfair competition under New York state law.

WHEREAS, on or about December 2007, Boston Proper filed a Third Party Complaint against Richie Tailor, Inc. ("Richie Tailor") in the Action ("Third Party Complaint");

WHEREAS, on or about February 13, 2008, Nicole Miller filed and served a First Amended Complaint against Boston Proper, Richie Tailor, John Does 1-15 and XYZ Corporations 2-15 (collectively "Defendants") in the Action;

WHEREAS, the parties have amicably resolved the issues alleged in the complaint in this action;

WHEREAS, none of the parties in the above-captioned action is an infant or incompetent person; and

WHEREAS, the parties in the above-captioned action wish to discontinue this litigation;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for Plaintiff and Defendants as follows:

1. All claims asserted in this action by Plaintiff against Defendants shall be and the same hereby are, dismissed with prejudice and without costs, disbursements or attorney fees to either party; and

2. All claims asserted by Boston Proper against Richie Tailor shall be and the same hereby are, dismissed with prejudice and without costs, disbursements or attorney fees to either party;

and

3. Nothing in this So Ordered Stipulation of Settlement and Order of Dismissal shall be construed as an admission or concession of liability whatsoever by any of the Defendants regarding any of the allegations made by the Plaintiff in the complaint.

**CONSENTED TO BY KOBRA
INTERNATIONAL, LTD. D/B/A
NICOLE MILLER, LTD.**

Dated: July 7, 2008

GREENBERG TRAURIG, LLP

By: Deidre Blocker

G. Roxanne Elings (GE 8321)
Deidre D. Blocker (DB 0762)
200 Park Avenue, MetLife Building
New York, NY 10166
(212) 801-9200
*Attorneys for Plaintiff Kobra
International, Ltd. d/b/a Nicole Miller,
Ltd.*

**CONSENTED TO BY BOSTON
PROPER, INC.**

Dated: June 6, 2008

AKERMAN SENTERFITT LLP

By: Scott M. Kessler

Scott M. Kessler (SK5510)
335 Madison Avenue, 26th Floor
New York, New York 10017
(212) 880-3800
*Attorneys for Defendant and Cross-
Claimant, Boston Proper, Inc.*

**CONSENTED TO BY RICHIE
TAILOR, INC.**

Dated: _____

**MILBANK, TWEED, HADLEY &
MCCLOY LLP**

By: _____

Parker H. Bagley (PB0552)
1 Chase Manhattan Plaza
New York, New York 10005
(212) 530-5000

*Attorneys for Defendant and Cross-
Defendant, Richie Tailor, Inc.*

3. Nothing in this So Ordered Stipulation of Settlement and Order of Dismissal shall be construed as an admission or concession of liability whatsoever by any of the Defendants regarding any of the allegations made by the Plaintiff in the complaint.

**CONSENTED TO BY KOBRA
INTERNATIONAL, LTD. D/B/A
NICOLE MILLER, LTD.**

Dated: _____

GREENBERG TRAURIG, LLP

By: _____

G. Roxanne Elings (GE 8321)
Deidre D. Blocker (DB 0762)
200 Park Avenue, MetLife Building
New York, NY 10166
(212) 801-9200
*Attorneys for Plaintiff Kobra
International, Ltd. d/b/a Nicole Miller,
Ltd.*

**CONSENTED TO BY BOSTON
PROPER, INC.**

Dated: _____

AKERMAN SENTERFITT LLP

By: _____

Scott M. Kessler (SK5510)
335 Madison Avenue, 26th Floor
New York, New York 10017
(212) 880-3800
*Attorneys for Defendant and Cross-
Claimant, Boston Proper, Inc.*

**CONSENTED TO BY RICHIE
TAILOR, INC.**

Dated: 6/10/08

**MILBANK, TWEED, HADLEY &
MCCLOY LLP**

By: 

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*Attorneys for Defendant and Cross-
Defendant, Richie Tailor, Inc.*

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